

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 23RD DAY OF APRIL 2007, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs (Arrived 6:05 p.m)	
	John A. Muffo	
	Annette S. Perkins (Arrived 6:30 p.m.)	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	Martin M. McMahon	-County Attorney
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

ADD TO THE AGENDA – ADDENDUM #1

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the following addendum dated April 23, 2007 was added to the agenda under Closed Meeting:

- Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
2. Freedom of Information Act (FOIA) Request

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Annette S. Perkins
James D. Politis		Doug Marrs
Mary W. Biggs		
Gary D. Creed		
Steve L. Spradlin		

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
 - 1. Courthouse
 - (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 - 1. Parks & Recreation Commission
 - (7) Consultation With Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body
 - 1. Commerce Park Participation Agreement
 - 2. Freedom of Information Act (FOIA) Request

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Annette S. Perkins
Mary W. Biggs		Doug Marrs
James D. Politis		
John A. Muffo		
Steve L. Spradlin		

Supervisor Marrs arrived at 6:05 p.m. and Supervisor Perkins arrived at 6:30 p.m.

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Steve L. Spradlin	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed
Doug Marrs
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

Supervisor Perkins certified the closed meeting for the time she was present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATION OF RESOLUTION OF COMMEMORATION - JOE C. STEWART

The Board presented a resolution of commemoration to the family of Joe Stewart. Joe Stewart passed away on November 13, 2006. He served as a member of the Board of Supervisors of Montgomery County from January 1, 1981 to December 31, 2001.

PRESENTATION OF RESOLUTION OF COMMEMORATION- MARIE HARMON

The Board presented a resolution of commemoration to the family of Marie Harmon. In 1964, Marie Harmon went to work for the Commonwealth of Virginia as Deputy Clerk of Montgomery County and was promoted two years later to Clerk of the Court where she served 24 years.

PUBLIC HEARING

Boundary Line Adjustment Agreement with the Town of Christiansburg
Board of Supervisors intent to enter into a Boundary Line Adjustment Agreement with the Town of Christiansburg providing for the adjustment of the boundary of Town of Christiansburg's corporate limits to include approximately 49.816 acres of land located at the northeast boundary of the Town of Christiansburg, the Mid-County area of Montgomery County, Virginia.

The County Attorney provided a brief summary on the proposed agreement.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Shireen Parsons, Dan Burroughs, Angie Apgar, Maryann Capp, Mickey Apgar, Rosemarie Sawdon, Joy Burroughs, Margret Palmer, Jim Gregory, Ben Southard, Irene Glennon, Rebecca Pennington, Fran Forstadt, Richard Rittenhouse, Meredith Novak, Larry Lefler, and Faye Rittenhouse addressed the Board about the proposed intermodal facility in the Elliston community. They urged the Board of Supervisors to hold a public hearing on the proposed ordinance submitted by the Citizens for the Preservation of Our Countryside, which prohibits private corporations from using eminent domain. They expressed appreciation for the resolutions adopted by the Board opposing the Norfolk Southern Intermodal facility; however, without the proposed ordinance, there will be an inland port constructed in Elliston. The Board of Supervisors has the opportunity to give them the power and the duty to prevent Norfolk Southern from taking private properties and building an inland port that citizens do not want. A petition was submitted to the Board of Supervisors with 1,243 signatures in opposition to an inland port in Elliston. They don't believe a corporation should have more rights than citizens. It is the Board of Supervisors' duty to represent the citizens and the Board should adopt the proposed ordinance.

Frank Lau expressed concerns with the Board of Supervisors' recent decision to deny a rezoning and special use permit for a Dog Day Care and Training Center. Mr. Lau, speaking as a Planning Commission member, stated the Planning Commission recommended approval of this request and the objections to this request were made mainly by adjoining property owners. He believes the site is too steep for any other type of business and there is already a dog kennel on the adjoining property. Mr. Lau believes the action of one board member who opposed this rezoning affected the decision of all board members. He stated there are seven individual board members who weigh decisions, not just one.

John Neel spoke in support of the proposed resolutions approving the final plat for The Ridge at Walnut Creek Subdivision and Cold Mountain Subdivision.

There being no further speakers, the public address session was closed.

ADD TO THE AGENDA – ADDENDUM#2

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the following addendum dated April 23, 2007 was added to the agenda under New Business:

D. Resolution of Condolence to the Virginia Tech Community

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
Steve L. Spradlin	

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated April 23, 2007 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Steve L. Spradlin	

Approval of Minutes

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the minutes dated February 26, 2007 were approved.

A-FY-07-106
SHERIFF APPROPRIATION

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

310	Sheriff – Comp Board	\$1,157
320	Sheriff – County	626
321	Sheriff – Grants	<u>3,544</u>
	Total	\$5,327

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$1,783
419104	Confiscations	3,019
419117	DARE Contributions	250
424401	Project Lifesaver	<u>275</u>
	Total	\$5,327

Said resolution appropriates recovered costs from extraditions, overtime, asset forfeitures, DARE donations, and project lifesaver funds.

A-FY-07-107
SCHOOL OPERATING FUND
SUPPLEMENTAL APPROPRIATION

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

610000	Instruction	\$239,248
620000	Administration/Attend & Health	5,588
640000	Operations & Maintenance	53,848
650000	Non-Instructional	<u>33,328</u>
	Total	\$332,012

The sources of funds for the foregoing appropriation are as follows:

<u>Revenue Account:</u>		
Other Payment – Homeless Grant		\$22,635
Teach American History Grant		108,958
VA Pre-School Initiative Grant		50,000
Medicaid Reimbursement		104,308
Universal Services – E Rate		5,107
Insurance Adjustments		7,676
Other Funds		<u>33,328</u>
Total		\$332,012

Said resolution appropriates additional funds for the School Operating Fund.

A-FY-07-108
TRANSFER TO SCHOOL CAPITAL PROJECTS
SALE PROCEEDS FROM BETHEL ELEMENTARY SCHOOL

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007 for the function and in the amount as follows:

6621 School Air Conditioning Projects	\$530,750
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
415208 Sale of Real Estate	\$530,750

BE IT FURTHER RESOLVED, That the School Capital Projects fund was granted a transfer as follows:

<u>FROM:</u>	
6600 Future School Projects	(\$382,979)

<u>TO:</u>	
6621 School Air Conditioning Projects	\$382,979

Said resolution appropriates funds received from the sale of the Bethel property and transfers funds appropriated for future school projects to school air conditioning projects in accordance with the list of projects provided by the schools.

R-FY-07-164
RESOLUTION CONSENTING TO
U.S. BANK NATIONAL ASSOCIATION
BEING APPOINTED SUCCESSOR TRUSTEE
UNDER INDENTURE OF TRUST DATED JUNE 1, 1999

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, SunTrust currently serves as Trustee pursuant to an Indenture of Trust dated June 1, 1999, for the \$11.68 million lease revenue bonds issued by the Industrial Development Authority of Montgomery County, Virginia as part of a 1999 Public Financing by the County of Montgomery through the Industrial Development Authority; and

WHEREAS, SunTrust sold its corporate trust business to U.S. Bank National Association and seeks to resign as Trustee under its Trust Indenture and have U.S. Bank National Association be appointed as Successor Trustee; and

WHEREAS, U.S. Bank National Association desires to be appointed as Successor Trustee under the Trust Indenture with the Industrial Development Authority of Montgomery County, Virginia; and

WHEREAS, The Montgomery County Board of Supervisors hereby consents to the foregoing appointment of U.S. Bank National Association as Successor Trustee.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby consents to U.S. Bank National Association being appointed Successor Trustee under the Indenture of Trust dated June 1, 1999, for the Industrial Development Authority of Montgomery County, Virginia, \$11.68 million Lease Revenue Bonds.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the County Administrator is hereby authorized to sign the Resignation, Appointment and Acceptance Agreement consenting to the appointment of U.S. Bank National Association as Successor Trustee.

R-FY-07-165
ADDITION TO THE SECONDARY SYSTEM
OF STATE HIGHWAYS
WARM HEARTH DRIVE EXTENSION (SR 766)

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Montgomery County; and

WHEREAS, The representative for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Sec. 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer, whichever occurs last in time.

ADDITION:

Name of Subdivision:

Warm Hearth Drive Extension

Name of Streets:

Length

Warm Hearth Drive (SR 766)

From: .50 miles from Blacksburg Corporate Limits

To: .60 miles to Blacksburg Corporate Limits .10 miles

Guarantee Right-of-Way: 50 feet

Date Recorded: 2/23/2007

Plat Book: 27 Pg 56

BE IT FURTHER RESOLVED, This Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

R-FY-07-166
FINAL PLAT
COLD MOUNTAIN SUBDIVISION PHASE 2

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Cold Mountain Subdivision Phase 2 consists of 6 lots located off Rock Road and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance).

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of "Cold Mountain Phase II" (Gay and Neel, Inc. Job No. 0290.1 dated 05/25/06 and revised 04/11/07), Riner Magisterial District.

FURTHER, The Subdivision Agent and County Engineer are hereby authorized to sign said subdivision plat for recordation.

R-FY-07-167
FINAL PLAT
STERLING MANOR SUBDIVISION PHASE III

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, Sterling Manor Subdivision Phase III consists of 28 lots located off Stratford View Drive and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of Sterling Manor Subdivision Phase III has agreed that said responsibility shall be assumed by the homeowners association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Sterling Manor Subdivision Phase III (Roberts Engineering, Inc. Job No. 2004006 dated 03/30/07), Prices Fork Magisterial District, including the stormwater detention facilities, the responsibility for maintenance of which the Virginia Department of Transportation is relieved by the Board of Supervisors, but, by agreement, the responsibility for such maintenance shall be assumed by the homeowners' association.

FURTHER, The Subdivision Agent and County Engineer are hereby authorized to sign said plat for recordation.

R-FY-07-168
FINAL PLAT
THE RIDGE AT WALNUT CREEK SUBDIVISION

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Ridge at Walnut Creek Subdivision consists of 21 lots located off Houchins Road (SR 758) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of The Ridges at Walnut Creek Subdivision has agreed that said responsibility shall be assumed by the homeowners association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of The Ridge at Walnut Creek Subdivision (Gay and Neel, Inc. Job No. 1505.6 dated 02/01/07 and revised 03/06/07 and 03/28/07), Shawsville Magisterial District, including (1) the stormwater detention facilities, the responsibility for maintenance of which the Virginia Department of Transportation is relieved by the Board of Supervisors, but, by agreement, the responsibility for such maintenance shall be assumed by the homeowners' association, and (2) the emergency access road, the responsibility for maintenance of which shall be assumed by the homeowner's association.

FURTHER, The Subdivision Agent and County Engineer are hereby authorized to sign said plat for recordation.

OLD BUSINESS

**A-FY-07-109
SUPPLEMENTAL APPROPRIATION
SHERIFF'S REQUEST TO OUTSOURCE
INMATES TO OTHER JAIL FACILITIES**

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

320	Sheriff – County	\$85,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451203	Undesignated Fund Balance
	\$85,000

Said resolution appropriates fund balance to cover the cost of outsourcing jail inmates.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
Steve L. Spradlin	

R-FY-07-169
APPOINTMENT
PARKS & RECREATION COMMISSION

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Jim Flaughner** who resides in District E, to the Parks and Recreation Commission effective April 24, 2007 and expiring April 23, 2010.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
Steve L. Spradlin	

NEW BUSINESS

R-FY-07-170
RESOLUTION OF THE BOARD OF SUPERVISORS
OF MONTGOMERY COUNTY, VIRGINIA
DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF
ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN
EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE
ACQUISITION OF A CERTAIN CAPITAL PROJECTS FOR THE COUNTY

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The County of Montgomery, Virginia (**the "County"**) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, The County has paid, beginning no earlier than (60 days prior to adoption of a reimbursement resolution), and will pay, on and after the date hereof, certain expenditures (**the "Expenditures"**) in connection with the acquisition of a certain capital projects, listed on the **attached Schedule A** for the County (**the "Projects"**); and

WHEREAS, The Board of Supervisors of the County (**the "Board"**) has determined that those moneys previously advanced no more than 60 days prior to the date of adoption of a reimbursement resolution and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the County for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (**the "Bonds"**); and

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA, AS FOLLOWS:

Section 1. The Board hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County's intent to reimburse the County with the proceeds of the Bonds for Expenditures with respect to the Projects made on and after the date which is no more than 60 days prior to the date of adoption of a reimbursement resolution. The County reasonably expects on the date hereof that it will reimburse itself for the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Projects is set forth on **Schedule A**.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Projects are placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. The County previously adopted resolutions relating to its intent to reimburse itself for Expenditures on the Projects on August 25, 2003, December 15, 2003 and November 16, 2005, respectively, which are ratified, adopted and confirmed by reference in this resolution.

Section 6. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 23rd Day of April, 2007.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Steve L. Spradlin	

SCHEDULE A
PROJECTS

Description of Project	Estimated Maximum Amount of Tax-Exempt Financing
<i>Additional land, improvements and renovations to the proposed new County Courts Complex and for use for the County Sheriff</i>	<i>TOTAL \$5,000,000</i>
<i>Additional land for future school uses near the Blacksburg Middle School, including but not limited to athletic facilities, and for school uses as elementary school facilities for the Prices Fork area of the County and for the Elliston area of the County</i>	

R-FY-07-171
RESOLUTION OPPOSING THE
CHANGES TO THE SPEED LIMIT
ALONG US 460

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The 2005 General Assembly passed Senate Bill 1223 amending Title 46.2-870 of the Code of Virginia which states, "... the maximum speed shall be 65 miles per hour where indicated by lawfully placed signs, erected subsequent on: (i) interstate highways, (ii) multilane, divided, limited access highways..."; and

WHEREAS, The Code further states, “The maximum speed limit shall be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study, on U.S. Route 58, U.S. Route 360, U.S. Route 460, and on U.S. Route 17 between the town of Port Royal and Saluda where there are non limited access multilane, divided highways”; and

WHEREAS, VDOT has reviewed speed limits on U.S. Route 460 throughout Montgomery County and proposes raising the speed limit from 55 mile per hour to 60 miles per hour in sections of the County including:

1. 1.92 miles between Crown Road (SR 795) and Oldtown Road (SR 753) (Shawsville area)
2. 1.35 miles between Riffe Street (SR 9263) and Seneca Hollow Road (SR 636) (Elliston area)
3. 11.59 miles between East 460 business and I-81 (460 Bypass)

WHEREAS, The proposed changes in the Elliston and Shawsville areas would increase the speed limits on sections of the roadway where public schools are located, and where residences and businesses must enter; and

WHEREAS, VDOT has not yet reviewed data from the Montgomery County Sheriff’s Office regarding safety on these sections of U.S. Route 460; and

WHEREAS, VDOT’s decision to change the speed limits did not consider concerns and comments of citizens living near or traveling on U.S. Route 460; and

WHEREAS, These proposed changes may impact the safety of County citizens traveling on these sections of U.S. Route 460.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia opposes the proposed speed limit changes from 55 miles per hour to 60 miles per hour on U.S. Route 460 in the Elliston and Shawsville areas.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
Mary W. Biggs
Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed
Steve L. Spradlin

NAY

None

**R-FY-07-172
DECLARATION
OF LOCAL EMERGENCY**

WHEREAS, Pursuant to Section 44-146.21 of the Code of Virginia on April 16, 2007, the Montgomery County Emergency Services Director declared a local emergency in response to the mass shooting on the Virginia Tech Campus which left 33 dead and numerous wounded; and

WHEREAS, The Board of Supervisors could not convene to declare a local emergency and so the Board desires to confirm at their next regularly scheduled meeting the existence of a local emergency due to the tragic mass shooting that occurred on the Virginia Tech Campus.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of the County of Montgomery that the Board of Supervisors hereby confirms the declaration of local emergency declared by the County's Emergency Services Director on April 16, 2007, in response to the mass shooting on the Virginia Tech Campus; and

BE IT FURTHER RESOLVED By the Board of Supervisors that during the existence of this local emergency the powers, functions, and directions of the Emergency Services Director and the Emergency Services Coordinator shall be those prescribed by State Law and by the approved local Emergency Operations Plans of the County of Montgomery and any adopted local ordinances and resolutions necessary to protect the health and safety of persons and property in the County and provide emergency assistance to the victims.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Steve L. Spradlin	

**R-FY-07-173
RESOLUTION OF CONDOLENCE TO THE
VIRGINIA TECH COMMUNITY**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The tragic loss of life that occurred on the Virginia Tech campus on April 16, 2007 touched the Montgomery County community and the nation; and

WHEREAS, No words can express the sadness in our hearts for all those affected by this senseless act; and

WHEREAS, We honor the victims of this horrific tragedy and offer our prayers and support to our Virginia Tech family; and

WHEREAS, We remember all those who are suffering in the wake of this sorrowful aftermath; and

WHEREAS, We commend the heroism and compassion shown by so many during this disastrous event.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, on behalf of its entire citizenship, offers its deepest sympathies to the families and friends of the victims of this tragedy that has befallen Virginia Tech and extends condolences to a grieving Hokie Nation.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Steve L. Spradlin	

COUNTY ADMINISTRATOR'S REPORT

Commonwealth Transportation Bill

The County Administrator reported that Montgomery County may not lose as much funding from the Six-Year Road Improvement Plan for Interstate and Primary Roads as previously thought. The county is estimated to receive the following:

FY 08	\$1.5 million
FY 09	\$1.7 million
FY 2010	\$1.6 million
FY 2011	\$1.6 million
FY 2012	\$1.6 million
FY 2013	\$1.4 million

The Commonwealth Transportation Board will be conducting public hearings across the state on the Draft Six-Year Road Improvement Plan. The public hearing for the Salem District, which includes Montgomery County, is scheduled for May 22, 2007 at 7:00 p.m. at the Salem Civic Center.

50th Anniversary – Elliston Volunteer Fire Department

The Elliston Volunteer Fire Department will be celebrating their 50th Anniversary on Saturday, April 28, 2007. There will be a parade from the Fire Station to the Elliston High School at 12:30 p.m. The County Administrator expressed appreciation to all the volunteer fire and rescue squad members in the county.

BOARD MEMBERS' REPORTS

Supervisors Biggs

READ Campaign: The Library is starting a READ Campaign. This project is intended to promote reading in our area and the idea is to make posters of public figures holding their favorite book. So far, Supervisor Muffo is the only Board member to have his picture taken. The Library Director would love to have pictures with all Board members.

Supervisor Biggs was instructed to inform Library Staff to contact each Board member individually to set up a time to get their picture taken with their favorite book.

Corporate Research Center (CRC) Branch Library- The Library Board reported that the usage for the CRC Library is not what they anticipated when opened. They conducted a survey on the CRC Library and determined that it is not cost efficient to remain open. The Library Board will discuss this issue further at their May meeting.

Increase Costs to CSA: In the April VACo County Connections was an article on the local cost for CSA rising. Should Montgomery County be concerned and how should we handle this? The County Administrator to provide a full report to the Board.

Communications Sales Tax: VACo reported that the Virginia Department of Taxation transferred to localities their January revenues derived from the Communication Sales Tax. How much did Montgomery County receive?

Automated External Defibrillator (AED): Supervisor Biggs recalled the County purchasing AED's for the Government Center. Are these in place? The County Administrator will provide a report.

Supervisor Politis made a statement regarding the proposed Norfolk Southern Intermodal Facility. He ran for the Board of Supervisors because he had ideas for change. He now knows the limitations the State imposes on local governing bodies that do not allow them to do certain things. However, he has always told his children, if you don't like the law, then change it. Maybe Montgomery County needs to consider the ordinance submitted by the Citizens for the Preservation of Our Countryside and try to change what we know is not right.

Supervisor Muffo appreciates all the citizens who spoke tonight regarding the proposed Norfolk Southern Intermodal Facility. The fact is that the federal government gave railroad companies the right to use eminent domain to take property in order to build the rail road. The federal government provoked the state law. The Board of Supervisors has personally lobbied state and local leaders against this intermodal facility being built in Elliston. This will be a legal battle at the Supreme Court level and it will cost the County money to fight this cause.

Supervisor Muffo also expressed appreciation for the memorial service held at the Government Center on Friday on behalf of the tragedy that occurred at Virginia Tech. He reported that John Novak, Professor of Civil & Environmental Engineering at Virginia Tech, who spoke to the Board in January, lost numerous students and fellow professors.

Supervisor Creed entertained a motion to authorize the County Administrator to proceed with purchasing property along main street in Christiansburg.

**R-FY-07-174
RESOLUTION AUTHORIZING
OPTION TO PURCHASE
MAIN STREET INVESTMENT CO. LLC PROPERTY**

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery hereby authorizes the County Administrator to enter into an Option Agreement to purchase the property of Main Street Investment Co. LLC, pursuant to the terms and conditions contained in the April 20, 2007 letter from the property owner, save and except any provision agreeing to include the trade of county property.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo
James D. Politis
Annette S. Perkins
Mary W. Biggs
Doug Marrs
Gary D. Creed
Steve L. Spradlin

NAY

None

Supervisor Creed's Report Continued

Supervisor Creed entertained a motion to authorize the County Administrator to contact the Department of Rail and Public Transportation requesting their decision regarding the proposed intermodal facility.

**R-FY-07-175
RESOLUTION REQUESTING
THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
DECISION REGARDING THE PROPOSED
NORFOLK SOUTHERN INTERMODAL FACILITY**

On a motion by Gary D. Creed, seconded by James D. Politis and carried,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery the Board of Supervisors hereby directs the County Administrator to request the Virginia Department of Rail and Public Transportation to advise the County by Friday, April 27, 2007 of their decision for site selection for the Norfolk Southern Intermodal Facility.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	Doug Marrs
Annette S. Perkins	John A. Muffo
Mary W. Biggs	
Gary D. Creed	
Steve L. Spradlin	

Supervisor Creed's Report Continued

Proposed Norfolk Southern Intermodal Facility: Supervisor Creed commented that the government is for the people by the people, not for the railroad by the railroad. He asked what if the County challenged the use of public funding by private corporations. Especially if the local governing body is opposed to a project by a private corporation.

The County Attorney was instructed to investigate how the County could petition the State in opposition to using public funding for the proposed intermodal facility. Can the County file suit against the State, if necessary.

VDOT's Proposed Speed Limit Increase – US 460 Supervisor Creed expressed his concerns with the Virginia Department of Transportation's proposal to increase the speed limit along US 460 through Elliston. There are numerous crossovers along US 460 that are already dangerous and he believes if the Intermodal Facility is built in Elliston, it will only increase the danger for motorists. He believes the County should demand that VDOT construct turnlanes on US 460 if the Intermodal Facility is built, as it will only increase the traffic on this road.

Supervisor Marrs commended the Sheriff's Department for helping VDOT deal with the recent storms that caused several roads to be closed. He also commended all law enforcement agencies in Montgomery County for their help with the recent tragedy at Virginia Tech.

Cable Complaint Supervisor Marrs received a complaint from Dan Niel who lives on Vicker Switch Road regarding cable. He asked the County Administrator to address this issue with Mr. Neil.

Supervisor Spradlin expressed appreciation to County staff for the memorial service held on April 20, 2007 in memory of all those killed at Virginia Tech. He also commended the law enforcement agencies for going beyond the call of duty during this tragedy.

Invocation Supervisor Spradlin asked Board members if they would entertain an idea of starting future Board meetings with invocation. He asked that staff prepare a resolution to be considered at a future board meeting and survey other counties to see if they have invocation at their meetings.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, May 14, 2007 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Steve L. Spradlin	

The meeting adjourned at 9:10 p.m.

APPROVED: _____	ATTEST: _____
Steve L. Spradlin	B. Clayton Goodman, III
Chair	County Administrator